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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                 STEPHEN DOUGLAS KAUFMAN,

12                  Petitioner,

13                  v.

14                  ELDON VAIL.

15                  Respondent.

16                  CASE NO. 10-cv-5445RJB

17                  ORDER LIFTING STAY AND  
18                  DIRECTING SERVICE AND  
19                  RETURN, § 2254 PETITION

20                  This habeas corpus petition filed pursuant to 28 U.S.C. § 2254 has been referred to  
21                  the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and  
22                  Local Magistrate Judge Rules MJR 3 and MJR 4. Petitioner is represented by counsel.  
23                  The action was stayed on August 5, 2010 (ECF No. 4). Petitioner has moved to lift the  
24                  stay. The motion is GRANTED.

25                  (l)       The clerk shall arrange for service by certified mail of the original petition  
26                  and memorandum filed in this case (ECF Nos. 1, 2), along with pages 8A and 8B as filed  
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1 by Errata (ECF No. 7). The Clerk shall assemble the necessary documents to effect  
2 service.

3           (2) Within forty-five (45) days after such service, respondent(s) shall file and  
4 serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in  
5 United States District Courts. As part of such answer, respondent(s) should state whether  
6 petitioner has exhausted available state remedies, whether an evidentiary hearing is  
7 necessary, and whether there is any issue of abuse or delay under Rule 9. Respondent  
8 shall not file a dispositive motion in place of an answer without first showing cause as to  
9 why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the  
10 Court and serve a copy of the answer upon petitioner.

12           (3) The answer will be treated in accordance with Local Rule CR 7.  
13 Accordingly, upon receipt of the answer the Clerk will note the matter for consideration  
14 on the fourth Friday after the answer is filed, petitioner may file and serve a response not  
15 later than on the Monday immediately preceding the Friday appointed for consideration  
16 of the matter, and respondent my file and serve a reply brief not later than on the  
17 Thursday immediately preceding the Friday designated for consideration of the matter.

18           DATED this 11<sup>th</sup> day of August, 2011.

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21           J. Richard Creatura  
22           United States Magistrate Judge